



# Office of the Washington State Auditor

## Pat McCarthy

## Performance Audit

### Ensuring Notification to Schools and Districts of Student Criminal Offenses

Educators need information about students who have committed crimes to put supports in place to ensure those students succeed and to put safeguards in place to keep students and staff from harm. Washington has a number of laws to direct the flow of information about student criminal offenses. This information comes to schools and districts from courts, law enforcement and state agencies.

While the audit identified gaps and breakdowns in notification processes, the government entities that notify schools and school districts want to work with education associations to resolve these issues. Rather than waiting for a published report, audited entities chose to act immediately on a number of the issues identified by the audit; improvements include better documentation, guidance, training and monitoring.

However, some statutory changes might also improve the system. To facilitate solutions, the Auditor's Office convened a work group of stakeholders to begin addressing issues. The Office recommends the Legislature formalize this stakeholder work group to continue seeking solutions that may include statutory changes.

#### Agencies recommended for the work group

The Office of the Governor  
Administrative Office of the Courts  
Association of Washington School Principals  
Association of Washington Superior Court Administrators  
Department of Corrections  
Department of Social & Health Services, Juvenile Rehabilitation  
Office of Superintendent of Public Instruction  
Washington Association of Juvenile Court Administrators  
Washington Association of School Administrators  
Washington Association of Sheriffs & Police Chiefs  
Washington Federation of Independent Schools  
Washington State Association of Prosecuting Attorneys  
Washington State Legislature staff  
Washington State School Directors' Association

#### Statutory issues identified by the State Auditor's Office and next steps

##### ***Courts are working to overcome challenges in notifying principals about 10,000 offenses annually***

The law requires courts to directly notify school principals when a student is convicted or adjudicated, or enters into a diversion agreement. The audit identified more than 330 offenses requiring notification by courts, amounting to about 10,000 times each year that courts must contact school principals.

The audit reviewed processes in a sample of 10 of the state's 32 judicial districts and found that two courts did not keep any records of sent notifications. State law does not require courts to retain this documentation. The courts that had documentation could not show they had notified a school principal in about half of the total instances when notification was required.

While the courts and the Administrative Office of the Courts have committed to a number of improvements to their own processes, the proposed work group may consider the following possible statutory changes:

- Eliminate some required notifications that court administrators and K-12 partners agree do not rise to the level of a public safety risk requiring notification
- Send notifications to school districts rather than school principals (with districts notifying principals)

***State agencies that must notify school districts before a student has been released from custody have resolved many process issues – ongoing monitoring and other changes will help ensure future success***

Corrections and Juvenile Rehabilitation must notify school districts before they release someone from their custody. During fiscal year 2016, Corrections released about 150 students requiring notification; Juvenile Rehabilitation released about 620. Although agencies sent most of the required notifications, Corrections did not send 10 percent (14 out of the population of 145) and Juvenile Rehabilitation did not send 4 percent (3 out of the sample of 68).

While the agencies are making improvements to their own processes, the work group may consider the following statutory changes:

- Eliminate notifications to schools and districts where the person is highly unlikely to attend
  - Currently agencies must notify districts for people who have already obtained a high school diploma or equivalent
  - Currently Juvenile Rehabilitation must notify *every* private school in a district where the person will be released, rather than only the private school the person plans to attend, if any

***OSPI leadership has offered to convene stakeholders to work toward automating notification processes***

The proposed work group could also consider a longer-term, comprehensive solution to many of the issues found in the audit through automation of notifications to schools and districts. Because OSPI has existing data systems that could serve as the foundation for such a structure, its management has offered to convene stakeholders to discuss the possibility and cost of such an endeavor.

**Government organizations have already implemented many improvements that we would have recommended**

- The Administrative Office of the Courts, the Washington Association of Juvenile Court Administrators and individual courts are improving training and guidance.
- Courts that did not retain documentation report they will in the future.
- Corrections improved how information reaches staff and now notifies via certified mail.
- Corrections started notifying before release instead of at admission.
- Juvenile Rehabilitation improved guidance and is analyzing the feasibility of notifying by certified mail.
- The Washington Association of Sheriffs and Police Chiefs provided local law enforcement information clarifying school notification requirements.

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## **Recommendations to the Legislature**

The Legislature formalize the work group of stakeholders that met during the audit. Issues for the work group to address include:

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| ✓ Establish a process to ensure those sending notifications have access to accurate information as necessary | ✓ Assemble a proposal and a budget to develop and maintain an automated notification system   |
| ✓ Assign contacts at each school district to receive all notifications                                       | ✓ Consider statutory changes to notify only: for offenses that pose a safety risk or might affect services provided to students; when people have not received a high school diploma or equivalent; and private schools that are part of a juvenile's re-entry plan |
| ✓ Continue to improve guidance, training and monitoring  |   |
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